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In re Application of :  
PENTEADO, Jorge-Luiz et al. :  
Application No.: 10/549,404 : DECISION ON  
PCT No.: PCT/BR04/00029 :  
Int. Filing Date: 12 March 2004 : RENEWED REQUEST UNDER  
Priority Date: 13 March 2003 :  
Attorney's Docket No.: 04304/0203376-US0 : 37 CFR 1.497(d)  
For: System and Process For Detecting a Load Of Clothes In :  
An Automatic Laundry Machine :

This decision is in response to applicants' renewed request under 37 CFR 1.497(d), filed 04 January 2007, to correct inventorship by removing Mr. Thomas Carsten Gross as inventor. The renewed request under 37 CFR 1.497(d) is **GRANTED**.

**BACKGROUND**

On 12 March 2004, applicants filed international application PCT/BR04/00029, claiming a priority date of 13 March 2003.

On 12 September 2005, applicants filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the US basic national fee.

On 27 April 2006, the Office mailed a Notice of Missing Requirements (Form DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and additional fees of \$730 were required.

On 26 June 2006, applicants filed payment of the additional \$730 and a declaration that identified and was executed by only two of the three inventors of record: Jorge Luiz Benine PENTEADO and Andre Luis MARTINS.

On 25 August 2006, the Office mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective for failure to include the third inventor of record, Thomas Carsten GROSS.

On 27 November 2006, applicants filed the "Response to Notification of Defective Response and Petition Pursuant To 37 CFR 1.497(d) To Correct Inventorship" requesting removal of Thomas Carsten GROSS as an inventor of record, pursuant to 37 CFR 1.497(d).

On 30 November 2006, the Office mailed "Decision On Request Under 37 CFR 1.1497(d)" dismissing applicants' petition because the assignee had not properly established ownership pursuant to 37 CFR 3.73(b).

On 04 January 2007, applicants filed the instant "Request For Reconsideration" of the "Decision On Request Under 37 CFR 1.1497(d)" to correct inventorship pursuant to 37 CFR 1.497(d) including a "Statement Under 3.73(b)."

### DISCUSSION

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intent on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original inventors, the written consent of the assignee.

With the filing of applicants' renewed request, applicants have satisfied items (1) through (3) above. Applicants have presented an acceptable "Statement Under 3.73(b)" establishing ownership of the assignee under 37 CFR 3.73(b).

### CONCLUSION

Applicants' renewed request under 37 CFR 1.497(d) is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.



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